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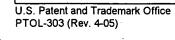
UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/838,878	04/20/2001	Stephen Nabeil Malik	9192-2	3309	
759	90 06/21/2005	_	EXAMINER		
Needham J. Boddie, II			SMITH, TRACI L		
Myers Bigel Sibley & Sajovec Post Office Box 37428			ART UNIT	PAPER NUMBER	
Raleigh, NC 2			3629		
			DATE MAILED: 06/21/200	DATE MAILED: 06/21/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Application No. Applicant(s) **Advisory Action** 09/838,878 MALIK, STEPHEN NABEIL

The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 07 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31, or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a)  □ The period for reply expires	Defense the Filler of the August 10 def	00,000,0,0	With the transfer of the trans	MADEIL					
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a The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, with the statutory period for reply expire later than SIX MONTHS from the malling date of the inel rejection.  Examiner Note: (if box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION See MPEP 706 07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed its feet for purposes of determining the period of vertices of the final rejection, even if timely filed, may reduce any searced patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  2.	1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:								
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been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the office action: (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any same planted them adjustment. See 37 CFR 1.70(b).  NOTICE OF APPEAL  2.  The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below);  (b) They raise the issue of new matter (see NOTE below);  (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal, and/or  (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: (See 37 CFR 1.116 and 41.33(a)).  4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5.  Applicant's reply has overcome the following rejection(s):	event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).								
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Claim(s) rejected:	Claim(s) allowed	•	JOHN G. WEISS						
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**ر** 09/838,878

Continuation of 13. Other: The new limitatins of specific attributes used to categorize the patients and the doctors would require the examiner to perform a new search for these additional limitations. The examiner reminds applicant that it was noted by examiner during telephonic interview on June 7, 2005 that with the addition of possible limitations a new search would be required as these limitations were not considered upon initial search by examiner.